

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re: James W. Ignatius and Carol A. Ignatius,

Debtors.

Case No. 14-24185
Judge: SVK
Chapter 13

MOTION FOR PERMISSION TO SELL PROPERTY

Debtors, by and through counsel, move the Court for permission to sell property of the bankruptcy estate, and in support of such motion, state to the Court as follows:

1. This Court has jurisdiction over this proceeding under 28 U.S.C. § 1334, 11 U.S.C. § 363(b), and Federal Rule of Bankruptcy Procedure 6004.
2. Debtors filed a petition for relief under Chapter 13 of the Bankruptcy Code on April 12, 2014.
3. At the time the Debtors commenced this case, they were in possession of real estate located at 1000 N. 115th Street, Wauwatosa, WI (the "Property"). Such real estate was encumbered by a first mortgage held by Port Washington State Bank, and a real estate tax lien held by Milwaukee County and the City of Wauwatosa.
4. Debtors believe that the Property is worth \$290,000.00, as indicated on their Schedule A. Debtors owe approximately \$319,677.00 to Port Washington State Bank, and approximately \$46,000.00 in real estate taxes, as indicated on their Schedule D. There is no equity in the Property over and above the mortgage and the unpaid real estate taxes.
5. American Transmission Company has offered to purchase an Easement on the Property as part of the construction of a high voltage transmission line. Debtors request that the Court grant them permission to grant the Easement.
6. The buyer has offered to purchase the Easement for \$17,500.00. Debtors have negotiated the compensation of \$17,500.00 and believe it is a fair sale price for the Easement.
7. In addition to the lump-sum payment of \$17,500.00, the buyer has offered to pay the Debtors \$146.15 per year for the next 65 years.
8. The buyers have agreed to pay the closing costs.
9. Because Port Washington State Bank has a first mortgage lien on the Property, the proceeds from the sale (\$17,500.00) will be paid jointly to the Debtors and Port

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Milwaukee, WI 53226
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Washington State Bank. In exchange for Port Washington State Bank's consent to the Easement, the proceeds will be applied to reduce the arrearage on Debtors' mortgage.

10. The original Chapter 13 Plan specified that the proceeds from the granting of the Easement would be paid to the Chapter 13 Trustee. Debtors will modify their Plan to specify that the proceeds will be paid directly to Port Washington State Bank instead, as well as to account for the consequent reduction in the amount of mortgage arrears owed.
11. Debtors will apply the annual payments of \$146.15 to assist with paying their Chapter 13 plan payments and will amend their budget as necessary to disclose this additional income.
12. Debtors assert that the sale will enable them to successfully complete their Chapter 13 plan.

WHEREFORE, the Debtors respectfully request that the Court enter an Order granting the Debtors permission to grant the Easement, and for such other relief as is just and appropriate.

Dated this 1st day of May, 2014.

Respectfully Submitted,

By: 
William Thomas Croke

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NOTICE OF MOTION FOR PERMISSION TO SELL PROPERTY

Lombardo Law Office, Attorneys for the Debtor(s), have filed papers with the Court to request permission for the Debtor(s) to sell property of the bankruptcy estate, specifically an easement on the real estate located at 1000 N. 115th St., Wauwatosa, WI.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the motion for permission to sell property, or if you want the Court to consider your views on the motion, then, on or before **21** days from the date of this notice, you or your attorney must:

1. File a written response and request for a hearing with:

Clerk, U.S. Bankruptcy Court
517 E. Wisconsin Ave., Rm. 126
Milwaukee, WI 53202

2. If you mail your request or response to the court for filing, you must mail it early enough so the court will receive it on or before **21** days of the date of this notice.
3. You must also mail a copy to the parties listed below:

Mary B. Grossman
Chapter 13 Trustee
PO Box 510920
Milwaukee, WI 53203

United States Trustee
Eastern District of Wisconsin
517 East Wisconsin Avenue, Room 430
Milwaukee, WI 53202

Lombardo Law Office
10919 West Bluemound Road, Suite 200
Milwaukee, WI 53226

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If you do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Respectfully Submitted,

By: 
William Thomas Croke

Dated: 5-14

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CERTIFICATE OF SERVICE

The undersigned, Cathy Czopp of Lombardo Law Office, does hereby certify that a copy of this Certificate of Service and a copy of the attached Notice and Request to Modify Chapter 13 Plan were mailed First Class to the persons and entities listed below, at their respective addresses, postage prepaid, by depositing them in the U.S. Mail at Wauwatosa, WI on April 30, 2014:

James & Carol Ignatius, 1000 N. 115th St., Wauwatosa, WI 53226

SEE ATTACHED MAILING MATRIX

However, copies have not been mailed to addresses which the Court designated as having been superseded by a preferred address on file, or which the Court designated as undeliverable or duplicate addresses, as indicated in the mailing matrix.

In addition, copies have not been mailed to Lombardo Law Office, attorneys for the Debtors, or to the following parties, to whom service was made by ECF Notice of Electronic Filing:

Mary B. Grossman, Chapter 13 Trustee
Office of the United States Trustee

Dated this 1st day of May, 2014.

By: 
Gabriella Michalec

Lombardo Law Office
10919 W. Bluemound Rd., Suite 200
Milwaukee, WI 53226
Tel: (414) 543-3328
Fax: (414) 543-0786

Label Matrix for local noticing
0757-2
Case 14-24185-svk
Eastern District of Wisconsin
Milwaukee
Thu May 1 15:44:09 CDT 2014

Alliance Collection Agency
3916 South Business Park Avenue
Marshfield, WI 54449-9029

CB Accounts
124 SW Adams Street
Peoria, IL 61602-2321

Capital One
PO Box 71087
Charlotte, NC 28272-1087

First Premier Bank
PO Box 5529
Sioux Falls, SD 57117-5529

Milwaukee County Treasurer
PO Box 78688
Milwaukee, WI 53278-0688

Office of the U. S. Trustee
517 East Wisconsin Ave.
Room 430
Milwaukee, WI 53202-4510

Professional Placement Services
316 North Milwaukee Street, Ste 410
Milwaukee, WI 53202-5888

Smart Choice MRI
P.O. Box 870
Menomonee Falls, WI 53052-0870

Wheaton Franciscan Healthcare
SDS 12-3088
P.O. Box 86
Minneapolis, MN 55486-0086

Port Washington State Bank
P. O. Box 176
Port Washington, WI 53074-0176

Aurora Advanced Healthcare
PO Box 091700
Milwaukee, WI 53209-8700

CBE Group
131 Tower Park Suite 100
PO Box 2635
Waterloo, IA 50704-2635

Capital One Bankruptcy Department
PO Box 6492
Carol Stream, IL 60197-6492

IRS - Milwaukee Office
211 West Wisconsin Avenue
M/S 5301 MIL
Milwaukee, WI 53203-2303

Milwaukee Neurological Institute
2350 W Villard Avenue # 105
Milwaukee, WI 53209-5086

Pinelawn Memorial Park
10700 W Capitol Drive
Milwaukee, WI 53222-1203

RJM Acquisitions
575 Underhill Boulevard
Suite 224
Syosset, NY 11791-4437

State Collection Service
PO Box 6250
Madison, WI 53716-0250

Wisconsin Department of Revenue
Special Procedures Unit
PO Box 8901
Madison, WI 53708-8901

AMO Recovery
7001 Peachtree
Suite 320
Norcross, GA 30092

Aurora Health Care
P.O. Box 091700
Milwaukee, WI 53209-8700

CBE Group*
1309 Technology Pkwy
Cedar Falls, IA 50613-6976

City of Wauwatosa
7725 West North Avenue
Milwaukee, WI 53213-1777

Internal Revenue Service
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

Milwaukee Neurological Institute
ATTN BILLING DEPT
960 N. 12th St
Suite 1800
Milwaukee, WI 53233-1306

Port Washington State Bank
206 N Franklin St.
Port Washington, WI 53074-1903

Smart Choice MRI
ATTN BILLING DEPT
1621 Miller Park Way
Milwaukee, WI 53214-3605

We Energies
PO Box 2046
Milwaukee, WI 53201-2046

Wisconsin Heart Hospital
PO Box 68-4081
Milwaukee, WI 53268-4081

Adam L Lombardo
Lombardo Law Office
10919 West Bluemound Road
Suite 200
Milwaukee, WI 53226-4260

Carol A Ignatius
1000 N. 115th Street
Wauwatosa, WI 53226-3403

James W Ignatius
1000 N. 115th Street
Wauwatosa, WI 53226-3403

Mary B. Grossman
Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203-0161

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)ATI Physical Therapy
NEED ADDRESS

(d)Port Washington State Bank
PO Box 176
Port Washington, WI 53074-0176

End of Label Matrix	
Mailable recipients	33
Bypassed recipients	2
Total	35